IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Crl.Rev.Pet.No. 826 of 1998()

CC.309/1994 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

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REVN. PETITIONER:

V. BALAKRISHNAN NAMBIAR,
S/O. PAITHAL NAMBIAR,
VENGALASSERY, MAVILAI POST,
KANNUR DISTRICT.

BY ADV. SRI.P.V.SURENDRANATH

RESPONDENTS:

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1. V. BHASKARAN NAMBIAR,
   S/O. CHANDU NAMBIAR,
   VENGALASSERY HOUSE,
   MAVILAI POST, KANNUR DISTRICT.

2. STATE OF KERALA REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY ADV. SRI.V.RAMKUMAR NAMBIAR
SRI. BREEZE M.S., PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 826 OF 1998

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Dated this the 1st day of March 2007

O R D E R

The revision petitioner is the defacto complainant in C.C. No.309/94 instituted as a private complaint which was forwarded to the police and registered as Crime No. 163/94. The alleged offence is under section 324 of the Indian Penal Code. Both the complainant and the accused are close relatives. A boundary dispute is in the background. It was found that the evidence of PW1 is contradictory to his S.161 statement as to the actual act of causing injury. A counter case against the defacto complainant was also registered. It was also found from evidence of PW8, the doctor that the injury sustained are very minor and of a negligible nature. The court further found that it was not possible to ascertain the actual aggressor in the matter.

On a consideration of the evidence adduced in the matter I find no reason at all to interfere in the findings of the court below. The Crl. R.P is dismissed accordingly.

K.R. UDAYABHANU, JUDGE.

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